

SECOND REGULAR SESSION

HOUSE BILL NO. 2270

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

4192H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 561.021, 561.026, and 571.070, RSMo, and to enact in lieu thereof four new sections relating to the restoration of the civil right to ship, transport, possess, or receive a firearm, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 561.021, 561.026, and 571.070, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 561.021, 561.026, 571.070, and 571.075, to read as follows:

561.021. 1. A person holding any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, who is convicted of a crime shall, upon sentencing, forfeit such office if:

(1) He is convicted under the laws of this state of a felony or under the laws of another jurisdiction of a crime which, if committed within this state, would be a felony, or he pleads guilty or nolo contendere of such a crime; or

(2) He is convicted of or pleads guilty or nolo contendere to a crime involving misconduct in office, or dishonesty; or

(3) The constitution or a statute other than the code so provides.

2. Except as provided in subsection 3 of this section, a person who pleads guilty or nolo contendere or is convicted under the laws of this state of a felony or under the laws of another jurisdiction of a crime which, if committed within this state, would be a felony, shall be ineligible to hold any public office, elective or appointive, under the government of this state or any agency or political subdivision thereof, until the completion of his sentence or period of probation.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 3. **Except as provided in subsection 4 of this section**, a person who pleads guilty or
17 nolo contendere or is convicted under the laws of this state or under the laws of another
18 jurisdiction of a felony connected with the exercise of the right of suffrage shall be forever
19 disqualified from holding any public office, elective or appointive, under the government of this
20 state or any agency or political subdivision thereof.

21 **4. The provisions of subsection 3 of this section shall not apply to any person who**
22 **has had his or her civil rights restored under section 571.075.**

 561.026. 1. Notwithstanding any other provision of law except for section 610.140 **and**
2 **except as provided in subsection 2 of this section**, a person who is convicted:

3 (1) Of any crime shall be disqualified from registering and voting in any election under
4 the laws of this state while confined under a sentence of imprisonment;

5 (2) Of a felony or misdemeanor connected with the exercise of the right of suffrage shall
6 be forever disqualified from registering and voting;

7 (3) Of any felony shall be forever disqualified from serving as a juror.

8 **2. The provisions of subdivision (2) of subsection 1 of this section shall not apply**
9 **to any person who has had his or her civil rights restored under section 571.075.**

 571.070. 1. A person commits the crime of unlawful possession of a firearm if such
2 person knowingly has any firearm in his or her possession and:

3 (1) Such person has been convicted of a felony under the laws of this state, or of a crime
4 under the laws of any state or of the United States which, if committed within this state, would
5 be a felony; or

6 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged
7 condition, or is currently adjudged mentally incompetent.

8 2. Unlawful possession of a firearm is a class C felony.

9 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to:

10 **(1) Any person who has had his or her civil right to ship, transport, possess, or**
11 **receive a firearm restored under section 571.075 after each crime that would otherwise**
12 **have been the basis for a violation of subdivision (1) of subsection 1 of this section; or**

13 **(2) The possession of an antique firearm.**

571.075. 1. Except as provided in subsection 2 of this section, any person who has
2 **been deprived of his or her civil right to ship, transport, possess, or receive a firearm**
3 **because of a conviction for a felony under the laws of this state or of a crime under the laws**
4 **of any state or of the United States which, if committed within this state, would be a felony**
5 **shall have his or her civil right to ship, transport, possess, or receive a firearm**
6 **automatically restored upon such person's discharge from confinement, probation, or**
7 **parole, whichever occurs later.**

8 **2. The provisions of subsection 1 of this section shall not apply to:**

9 **(1) Any person who has been convicted of an offense which requires registration**
10 **as a sex offender unless such person has been removed from the sex offender registry or**
11 **exempted from having to register as a sex offender;**

12 **(2) Any person convicted of any offense listed in subsection 1 of section 566.147; or**

13 **(3) Any person who has been convicted of a violent felony as defined in subsection**
14 **3 of this section.**

15 **3. As used in this section, the term “violent felony” shall mean a felony conviction**
16 **of any of the following offenses: violating an ex parte order of protection or a full order of**
17 **protection under section 455.085; violating an ex parte order of protection for a child or**
18 **a full order of protection for a child under section 455.538; murder in the first degree**
19 **under section 565.020; murder in the second degree under section 565.021; voluntary**
20 **manslaughter under section 565.023; involuntary manslaughter in the first and second**
21 **degrees under section 565.024; assault in the first degree under section 565.050; assault in**
22 **the second degree under section 565.060; unlawful endangerment of another under section**
23 **565.065; assault in the third degree under section 565.070; domestic assault in the first**
24 **degree under section 565.072; domestic assault in the second degree under section 565.073;**
25 **domestic assault in the third degree under section 565.074; assault while on school property**
26 **under section 565.075; assault of a law enforcement officer, corrections officer, emergency**
27 **personnel, highway worker in a construction zone or work zone, utility worker, cable**
28 **worker, or probation and parole officer in the first degree under section 565.081; assault**
29 **of a law enforcement officer, corrections officer, emergency personnel, highway worker in**
30 **a construction zone or work zone, utility worker, cable worker, or probation and parole**
31 **officer in the second degree under section 565.082; tampering with a judicial officer under**
32 **section 565.084; endangering a corrections employee, a visitor to a correctional facility, or**
33 **another offender or prisoner under section 565.085; endangering a department of mental**
34 **health employee, a visitor or other person at a secure facility, or another offender under**
35 **section 565.086; harassment under section 565.090; cross burning under section 565.095;**
36 **kidnapping under section 565.110; child kidnapping under section 565.115; felonious**
37 **restraint under section 565.120; false imprisonment under section 565.130; interference**
38 **with custody under section 565.150; parental kidnapping under section 565.153; child**
39 **abduction under section 565.156; elder abuse in the first degree under section 565.180;**
40 **elder abuse in the second degree under section 565.182; an owner or employee of a skilled**
41 **nursing facility or an Alzheimer's special unit or program having sexual intercourse or**
42 **deviate sexual intercourse with a resident under section 565.200; vulnerable person abuse**
43 **in the first degree under section 565.210; vulnerable person abuse in the second degree**

44 under section 565.212; stalking and aggravated stalking under section 565.225; invasion
45 of privacy in the first degree under section 565.252; invasion of privacy in the second
46 degree under section 565.253; infanticide under section 565.300; tampering with a
47 prescription or a prescription drug order under section 565.350; forcible rape or attempted
48 forcible rape under section 566.030; statutory sodomy or attempted statutory sodomy
49 under section 566.032; forcible sodomy or attempted forcible sodomy under section
50 566.060; statutory sodomy or attempted statutory sodomy under section 566.062; child
51 molestation in the first degree under section 566.067; child molestation in the second degree
52 under section 566.068; sexual misconduct involving a child under section 566.083; sexual
53 misconduct in the first degree under section 566.090; sexual abuse under section 566.100;
54 sexual contact with a prisoner or offender under section 566.145; abusing an individual
55 through forced labor under section 566.203; trafficking under section 566.206; trafficking
56 under section 566.209; sexual trafficking of a child under section 566.212; sexual
57 trafficking of a child under section 566.213; contributing to human trafficking under
58 section 566.215; promoting prostitution in the first degree under section 567.050;
59 promoting prostitution in the second degree under section 567.060; incest under section
60 568.020; endangering the welfare of a child in the first degree under section 568.045;
61 endangering the welfare of a child in the second degree under section 568.050; abuse or
62 neglect of a child under section 568.060; genital mutilation under section 568.065; use of
63 a child in a sexual performance under section 568.080; trafficking in children under section
64 568.175; robbery in the first degree under section 569.020; pharmacy robbery in the first
65 degree under section 569.025; robbery in the second degree under section 569.030;
66 pharmacy robbery in the second degree under section 569.035; arson in the first degree
67 under section 569.040; arson in the second degree under section 569.050; knowingly
68 burning or exploding under section 569.055; causing a catastrophe under section 569.070;
69 criminal water contamination under section 569.072; property damage in the first degree
70 under section 569.100; burglary in the first degree under section 569.160; burglary in the
71 second degree under section 569.170; stealing under section 570.030 when the actor
72 physically takes the property from the person of the victim; receiving stolen property
73 under section 570.080 when the property has been physically taken from the person of the
74 victim; financial exploitation of an elderly or disabled person under section 570.145 when
75 the exploitation is by intimidation or force; disrupting a house of worship under section
76 574.035; promoting civil disorder in the first degree under section 574.070; making a
77 terrorist threat under section 574.115; hindering prosecution under section 575.030 when
78 it is by means of force or intimidation; resisting or interfering with arrest, detention, or
79 stop under section 575.150; disarming a peace officer or correctional officer under section

80 **575.153; escape from commitment under section 575.195; escape or attempted escape from**
81 **confinement under section 575.210; aiding escape of a prisoner under section 575.230;**
82 **tampering with a judicial proceeding under section 575.260; tampering with a witness or**
83 **victim tampering under section 575.270; killing or disabling a police animal under section**
84 **575.350; treason under section 576.070; agroterrorism under section 578.008; animal abuse**
85 **under section 578.012; bus hijacking under section 578.305; bombing or planting or**
86 **placing any bomb or other explosive material or thing in, upon, or near any terminal or**
87 **bus under section 578.310; hazing under section 578.365.**

88 **4. Any person who has been convicted of a violent felony as defined in subsection**
89 **3 of this section and who has been deprived of his or her civil right to ship, transport,**
90 **possess, or receive a firearm as a result of such conviction may file a petition in the circuit**
91 **court of the county in which he or she was convicted or in the county in which he or she**
92 **resides to restore such person's civil right to ship, transport, possess, or receive a firearm.**
93 **The court may grant the relief sought if the person shows good cause to do so, the person**
94 **has been discharged from confinement, probation, or parole, whichever occurred later, the**
95 **conviction occurred three or more years before the filing of the petition, and the person has**
96 **not been convicted at any other time for a felony under the laws of this state or of a crime**
97 **under the laws of any state or of the United States which, if committed within this state,**
98 **would be a felony. If the petition is denied, the person shall not file another petition until**
99 **three years have elapsed without the permission of the court. If the petition is granted, the**
100 **petitioner's civil right to ship, transport, possess, or receive a firearm shall be restored and**
101 **the court's order shall so provide.**

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